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In re Application of
Estelle Bonnet et al
Serial No.: 10/599,909
Filed: October 13, 2006
Attorney Docket No.: 1759.236

DECISION ON PETITION

This letter is in response to the Petition under 37 CFR 1.181 requesting restarting of a period for reply and a new Office action, filed October 31, 2007.

BACKGROUND

A review of the file history shows that this application was filed October 13, 2006, as the National stage application of PCT/FR05/50180. A preliminary amendment filed with this application amended claims 1-11 to place them in proper form and added claims 12-20.

The examiner mailed a first Office action to applicants on October 5, 2007, setting a one month shortened statutory period for reply and setting forth an election of species requirement with respect to claims 10 and 11. The action indicates claims 1-11 are pending rather than claims 1-20.

This petition was filed October 31, 2007 indicating that the Office action was incomplete in not addressing claims 12-20.

DISCUSSION

Applicants are correct in that the examiner failed to review the correct set of claims. A review of the original and amended claim sets, both filed the sat the same time, shows that claims 1-11 have been amended to remove improper multiple dependency and have been rewritten to clarify that they are method claims. Added claims 12-20 either depend on one of claims 1-11 or are directed to the product produced by the method claimed. It is also noted that the election of species requirement set forth by the examiner is directed only to claims 10 and 11 which now depend from claim 8 and is unaffected by added claims 12-20. Thus applicants' ability to properly reply to the Office action which requires solely an election of species from claims 10 and 11 is not prevented or impaired by the examiner's failure to include claims 12-20 in the requirement.

DECISION

The renewed petition is **DENIED**.

Applicants remain under obligation to reply to the Office action mailed October 5, 2007, within the time period set therein or as extended under 37 CFR 1.136(a).

Should there be any questions regarding this decision, please contact Special Program Examiner William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0519 or by Official Fax at 571-273-8300

A handwritten signature in black ink, appearing to read "Bruce M. Kisliuk", written over a horizontal line.

Bruce M. Kisliuk
Director, Technology Center 1600